

EXHIBIT 3

From:
To:
Subject: FW: Varsity Antitrust Litigation - purported Elza and LeTard subpoenas
Date: Friday, April 1, 2022 6:14:50 PM

From: Mark R. Suter <msuter@bm.net>
Sent: Wednesday, September 29, 2021 11:46 AM
To: Kaiser, Steven J. <skaiser@cgsh.com>; Varsity Litigation <VarsityLitigation@cuneolaw.com>; Robert Falanga <Robert@FalangaLaw.com>; Kobelah Bennah <Kobelah@FalangaLaw.com>; Joseph Saveri <jsaveri@saverilawfirm.com>; Ronnie Spiegel <rspiegel@saverilawfirm.com>; Kevin Rayhill <krayhill@saverilawfirm.com>; Elissa A. Buchanan <EABuchanan@saverilawfirm.com>; Anna-Patrice Harris <aharris@saverilawfirm.com>; Sofia Jordan <sjordan@saverilawfirm.com>; Gurjit Aulkh <GAulkh@saverilawfirm.com>; Sean Cooper <sean@paulllp.com>; Dan Nordin <dnordin@gustafsongluek.com>; dhedlund@gustafsongluek.com; Daniel E. Gustafson <dgustafson@gustafsongluek.com>; hartley@hartleyllp.com; Jason Lindner <lindner@hartleyllp.com>; rick@paulllp.com; Van D. Turner <vturner@bruceturnerlaw.net>; lwang@gustafsongluek.com; Garrison, Grady <ggarrison@bakerdonelson.com>; nberkowitz@bakerdonelson.com; Matthew S. Mulqueen <mmulqueen@bakerdonelson.com>; Gaffney, Brendan P. <BGaffney@lockelord.com>; Coggins, Paul <pcoggins@lockelord.com>
Subject: RE: Varsity Antitrust Litigation - purported Elza and LeTard subpoenas

Steve,

The deposition dates for Elza and Letard are presently unconfirmed, but we will follow up with additional information once available.

Further, Plaintiffs in all three cases have been coordinating on discovery, including deposition scheduling. Given that each deposition will be for three distinct cases, involving certain non-overlapping alleged misconduct in different markets against different defendants, additional deposition time will be needed to accommodate non-duplicative questions by counsel in all three cases where necessary. To that end, counsel from the three cases have drafted the attached proposed stipulation regarding deposition timing. Please let us know if Varsity and USASF would agree, and please also coordinate with

Varsity's co-defendants in the related cases to confirm whether this works.

Thanks,

Mark

Mark R. Suter / Associate

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From: Kaiser, Steven J. <skaiser@cgsh.com>

Sent: Monday, September 27, 2021 5:01 PM

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Subject: Varsity Antitrust Litigation - purported Elza and LeTard subpoenas

Counsel:

We are in receipt of subpoenas that purport to be directed to Brian Elza and Tres LeTard in the Fusion Elite and American Spirit cases. The subpoenas did not include proofs of service.

Will counsel for Fusion Elite and American Spirit confirm whether they have served the subpoenas on their targets and, if so, provide the evidence of service? Also, will counsel for Fusion Elite and American Spirit confirm whether Mr. Elza or Mr. LeTard have agreed to sit for deposition on the indicated dates?

In addition, we wanted to make it clear that in our view of the Court's directions and coordination order, **there will not be more than one deposition of any individual in the three cases without leave of Court, and all parties, including Plaintiffs, should govern themselves accordingly.** In other words and for the avoidance of doubt, any deposition of Mr. Elza or Mr. LeTard that may occur as a result of these subpoenas or otherwise will be the deposition for the Jones matter as well. The parties in Jones will not be afforded another opportunity to depose Mr. Elza or Mr. LeTard or any other individual who is deposed in the Fusion Elite or American Spirit matters. The parties in Fusion Elite will likewise not be afforded another opportunity to depose an individual noticed for deposition in the Jones or American Spirit matters. The parties in American Spirit will likewise not be afforded another opportunity to depose an individual noticed for deposition in the Fusion Elite or American Spirit matters.

If and when Mr. Elza or Mr. LeTard are deposed, all parties, including Plaintiffs in Jones, will need to discuss an appropriate allocation of time.

We trust this is consistent with everyone's understanding and expectations, but if not, please let us know. Thank you.

Best regards,

Steven J. Kaiser

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